



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BLACKWELL SANDERS PEPER MARTIN
720 OLIVE STREET, SUITE 2400
ST. LOUIS, MO 63101

COPY MAILED

AUG 31 2005

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 6,790,353 :
Issue Date: September 14, 2004 :
Application No. 10/064,871 :
Filed: August 26, 2002 :
Attorney Docket No. 717281.7 :

This is a decision on the petition under 37 CFR 1.183, filed April 1, 2005, which is being treated under 37 CFR 3.81(b)¹ to accept the correction of the assignee on the front page of the above-identified patent.

The petition is **dismissed**.

Petitioner requests issuance of a certificate of correction in the name of "Stellar Technology Company, Sauget, IL." 37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but *prior to issuance of a patent*. The U.S. Patent and Trademark Office assignment records disclose that an assignment from Stellar Manufacturing Company to Stellar Technology Company was recorded on December 16, 2004, after the date of issuance of this patent. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper. Note also MPEP Section 307.

However, it would be appropriate to grant the instant petition to reflect the assignee data as **Stellar Technology Company, Sauget, IL** on the front page of the Letters Patent. Accordingly, if petitioner desires to have the assignee data corrected on the front page of the Letters Patent, petitioner should submit a request for reconsideration under 37 CFR 3.81(b), along with a request for a Certificate of Correction and PTO Form 1050.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents

¹ See Official Gazette of June 22, 2004

Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to Wan Laymon at (571) 272-3220.


Wan Laymon

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy